

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 10, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:32 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 3, 2003.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated June 3, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **CLAIMS: Approval of all claims processed through Tuesday, June 10, 2003.**

MOTION: Schorr moved and Stevens seconded approval of all claims processed through June 10, 2003. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

Public Hearing Items 4A and 4B were heard together.

- A. **Continuation of a public hearing regarding County Special Permit 197, Cedar Grove Estates Community Unit Plan, requested by Olsson Associates on behalf of Lyall Luff and Knox Associates, consisting of nine single family acreages, on property generally located at South 176th Street and Old Cheney Road in Lancaster County, Nebraska.**
- B. **Continuation of a public hearing regarding County Preliminary Plat 02026, Cedar Grove Estates, requested by Olsson Associates on behalf of Lyall Luff and Knox Associates, consisting of nine residential acreage lots, with associated waiver requests, on property generally located at South 176th Street and Old Cheney Road in Lancaster County, Nebraska.**

The Chair reconvened the public hearings and asked if anyone wished to testify.

Jered Morris of Olsson Associates appeared indicating he had submitted a letter to the Planning Department as well as the County Board. He explained that his client is willing to allow an additional ten feet of easement as long as no future structures or vegetation be allowed in the area.

David Johnson, Deputy County Attorney, requested the letter from Jered Morris and site map be made a part of the record (Exhibit 1).

The Chair asked if anyone else wished to testify.

No one appeared and the hearings were closed.

MOTION: Hudkins moved and Stevens seconded approval of County Special Permit 197, Cedar Grove Estates Community Unit Plan, and County Preliminary Plat 02026, Cedar Grove Estates, with the additional easement of 10 feet on the right-of-way. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

- C. **County Special Permit 199, Prairie Creek Estates Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Nebraska Prairie, L.L.C., consisting of nine single family acreages, on property generally located at South 148th and Van Dorn Streets in Lancaster County, Nebraska.**

4) **PUBLIC HEARINGS CONTINUED:**

D. County Preliminary Plat 03001, Prairie Creek Estates, requested by Brian D. Carstens and Associates on behalf of Nebraska Prairie, L.L.C. consisting of nine single family acreage lots, on property generally located at South 148th and Van Dorn Streets in Lancaster County, Nebraska.

Public Hearing Items 4C and 4D were heard together.

The Chair opened the public hearings and asked if anyone wished to testify.

The Clerk administered the oath to Brian Carstens of Brian D. Carstens and Associates appearing on behalf of Nebraska Prairie L.L.C.

Carstens gave an overview of the proposal.

The Clerk administered the oath to Bruce Stahr of Nebraska Prairie, L.L.C..

In response to a question asked by Hudkins, Stahr said the house was built in 1911 and that the initial stages of renovation had begun.

No one else wished to testify and the hearings were closed.

MOTION: Workman moved and Hudkins seconded approved County Special Permit 199, Prairie Creek Estates Community Unit Plan, and County Preliminary Plat 03001, Prairie Creek Estates. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

E. Increasing appropriations for the following funds:

	<u>Original Budget</u>	<u>Proposed Addition</u>
Visitors Promotion Fund	\$ 877,154	\$ 4,500
Bridge & Special Road Fund	\$ 7,785,276	\$ 17,037
Lancaster Manor Fund	\$15,097,811	\$ 952,016
County Property Management Fund	\$ 818,272	<u>\$ 40,000</u>
		\$1,013,553

4) **PUBLIC HEARINGS CONTINUED:**

The Chair opened the public hearing and asked if anyone wished to testify.

The Clerk administered the oath to Dave Kroeker, Budget and Fiscal Officer.

Kroeker gave a brief explanation regarding the increased appropriations for the Visitors Promotion Fund, Bridge and Special Road Fund, Lancaster Manor Fund and County Property Management Fund.

No one else appeared and the hearing was closed.

5) **OLD BUSINESS:**

A. A contract amendment to County Contract C-02-0480 with Cedars Youth Services for care coordination using the wraparound process for youth who are wards of the State of Nebraska. The amendment changes the ending date of the agreement from July 30, 2003 to June 30, 2003, adds one full-time care coordinator from March 3, 2003 to June 30, 2003 and decreases the compensation from \$167,000 to \$166,083. (C-03-0141)

MOTION: Stevens moved and Workman seconded approval of a contract amendment to County Contract C-02-0480 with Cedars Youth Services for care coordination using the wraparound process for youth who are wards of the State of Nebraska. The amendment changes the ending date of the agreement from July 30, 2003 to June 30, 2003, adds one full-time care coordinator from March 3, 2003 to June 30, 2003 and decreases the compensation from \$167,000 to \$166,083. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

B. Request from Cathy Cornell for a refund of real estate taxes on property located at 4710 South 54th Street in Lincoln, Nebraska.

In response to a question asked by Stevens, Norm Agena, County Assessor/Register of Deeds, referred to Neb. Rev. Stat. § 77-1734.01 which states, "This section may not be used to challenge the valuation of property, the equalization of property or the constitutionality of a tax."

5) **OLD BUSINESS CONTINUED:**

Workman inquired about a Tax Equalization and Review Commission (TERC) case involving the Douglas County Assessor.

In response Agena submitted documentation into the record (Exhibit 2) and gave a brief summary of the case stating that it involved a formal protest, not a request for refund.

MOTION: Stevens moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the request from Cathy Cornell for a refund of real estate taxes on property located at 4710 South 54th Street in Lincoln, Nebraska. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

C. Request from Mary Widmeyer for a refund of real estate taxes on property located at 4611 Christopher Court in Lincoln, Nebraska.

Mary Widmeyer, 4611 Christopher Court, appeared and stated she was concerned because she has not been given a clear reason as to why she could not request a refund.

Widmeyer referred to Neb. Rev. Stat. § 77-1775 (Exhibit 3) noting that the statute indicates that an individual can request a refund.

Discussion followed regarding the statute.

MOTION: Schorr moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the request from Mary Widmeyer for a refund of real estate taxes on property located at 4611 Christopher Court in Lincoln, Nebraska. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

D. Request from Jeanne C. Robare for a refund of real estate taxes on property located at 2801 Park Place Drive in Lincoln, Nebraska.

5) **OLD BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the request from Jeanne C. Robare for a refund of real estate taxes on property located at 2801 Park Place Drive in Lincoln, Nebraska. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

6) **NEW BUSINESS:**

A. Promotion of Tom Fox and Shellie Sayers, with the County Attorney’s Office, from Attorney I to Attorney II and set their salaries at \$55,055 per year for each.

MOTION: Hudkins moved and Stevens seconded approval of the promotion of Tom Fox and Shellie Sayers, with the County Attorney’s Office, from Attorney I to Attorney II and set their salaries at \$55,055 per year for each, effective June 12, 2003. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

B. A resolution in the matter of supplementing appropriations from previously adopted budgets: (R-03-0040)

○ Bridge and Special Road Fund	\$ 17,037
○ Lancaster Manor Fund	\$ 952,016
○ Visitors Promotion Fund	\$ 4,500
○ County Property Management Fund	<u>\$ 40,000</u>
Total Increase	\$1,013,553

Dave Johnson, Deputy County Attorney, requested approval of the resolution with the addition of the following language: “Whereas, during the current fiscal year circumstances have arisen which could not reasonably have been anticipated at the time the budget was adopted, said circumstances are reflected in the record of the public hearing held on June 10, 2003.”

MOTION: Hudkins moved and Stevens seconded approval of Resolution 03-0040 to include the additional language as requested by the County Attorney’s Office. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

C. A resolution in the matter of the transfer of appropriations from the General Fund Miscellaneous Budget to the following General Fund agencies: (R-03-0038)

○ County Board of Commissioners	\$ 6,800
○ Register of Deeds	\$ 13,000
○ Treasurer	\$ 28,000
○ Assessor	\$ 10,370
○ Budget & Fiscal	\$ 1,576
○ Geographic Information System (GIS)	\$ 10,302
○ Clerk of the District Court	\$ 5,000
○ Public Defender	\$ 65,263
○ Indigent Screener	\$ 3,200
○ Sheriff	\$173,422
○ County Attorney	\$ 51,815
○ Corrections	\$112,200
○ Juvenile Probation	\$ 3,776
○ General Assistance	\$400,000
○ Veterans service	\$ 7,700
○ Human Services	<u>\$ 7,432</u>
Total Transfer	\$899,856

Kroeker stated \$437,000 is related to salaries, increase in group insurance and cost of living increases.

MOTION: Hudkins moved and Schorr seconded approval of Resolution 03-0038 in the matter of the transfer of appropriations from the General Fund Miscellaneous Budget to various General Fund agencies, in the total amount of \$899,856. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

D. A resolution in the matter of the transfer of appropriations, in the amount of \$58,029, from the Grants Fund Miscellaneous Budget to the Grants Fund (Emergency Management Budget) and the Grants Fund (Adult Drug Court Budget). (R-03-0039)

6) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of Resolution 03-0039 in the matter of the transfer of appropriations, in the amount of \$58,029, from the Grants Fund Miscellaneous Budget to the Grants Fund (Emergency Management Budget) and the Grants Fund (Adult Drug Court Budget). Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

E. A resolution in the matter of setting salaries of the Election Commissioner and Chief Deputy Election Commissioner for the term of office starting September 7, 2003. (R-03-0041)

Johnson requested approval of the resolution with the addition of the County Clerk's current salary, which is \$58,000, in Subsection 1. He also requested that the word "year" be inserted in place of "term" in the last sentence of Subsection 1.

MOTION: Workman moved and Hudkins seconded approval of Resolution 03-0041 to include language as requested by the County Attorney's Office. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

F. A change order for County Project C55-X-402(5) for the Firth Viaduct with Christensen Brothers, Inc. for furnishing, hauling and spreading crushed rock for access driveways. The increased cost is in the amount of \$632.05. (C-03-0286)

MOTION: Stevens moved and Workman seconded approval of a change order for County Project C55-X-402(5) for the Firth Viaduct with Christensen Brothers, Inc. for furnishing, hauling and spreading crushed rock for access driveways. The increased cost is in the amount of \$632.05. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

G. A referee agreement with Stephen Folmer to hear protests and transmit to the Board of Equalization all papers relating to such protests along with written findings and recommendations. The protests are for property valuations for the 2003 tax year. The County shall pay \$35 per hour for the services. (C-03-0289)

6) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of a referee agreement with Stephen Folmer to hear protests and transmit to the Board of Equalization all papers relating to such protests along with written findings and recommendations. The protests are for property valuations for the 2003 tax year. The County shall pay \$35 per hour for the services. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

H. A referee agreement with Kevin D. James to hear protests and transmit to the Board of Equalization all papers relating to such protests along with written findings and recommendations. The protests are for property valuations for the 2003 tax year. The County shall pay \$45 per hour for the services. (C-03-0290)

MOTION: Schorr moved and Hudkins seconded approval of a referee agreement with Kevin D. James to hear protests and transmit to the Board of Equalization all papers relating to such protests along with written findings and recommendations. The protests are for property valuations for the 2003 tax year. The County shall pay \$45 per hour for the services. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

I. An interlocal agreement with the City of Hickman for law enforcement services through the Lancaster County Sheriff's Office. The County shall assign one deputy for law enforcement purposes in the City of Hickman. The County shall be paid \$5,085.18 per month for the services of the deputy. The term of the agreement is September 1, 2003 to August 31, 2004. (C-03-0287)

MOTION: Hudkins moved and Stevens seconded approval of an interlocal agreement with the City of Hickman for law enforcement services through the Lancaster County Sheriff's Office. The County shall assign one deputy for law enforcement purposes in the City of Hickman. The County shall be paid \$5,085.18 per month for the services of the deputy. The term of the agreement is September 1, 2003 to August 31, 2004. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

J. Authorization for Gary E. Lacey to enter into an interagency agreement with the State of Nebraska, Department of Motor Vehicles (DMV) for access to the DMV database for personal information on individuals. The County Attorney agrees to use the information obtained through the use of the database for law enforcement purposes. The County shall be responsible for all statutory fees associated with the use of the database. (C-03-0288)

MOTION: Workman moved and Stevens seconded to authorize Gary E. Lacey to enter into an interagency agreement with the State of Nebraska, Department of Motor Vehicles (DMV) for access to the DMV database for personal information on individuals. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

K. A permanent easement between the Lancaster County Engineering Department and Alltel for use of County property, located within the confines of the Waverly District shop area. The area, which is 15 feet by 15 feet, will be used for a digital loop cabinet to serve the Waverly area. (C-03-0291)

Item held at the direction of the Chair.

L. Transfer of a warranty deed and assignment of rights in property legally described as Original Plat, Block 90, Lots 4 through 6, Lincoln, Lancaster County, Nebraska to B & J Partnership, Ltd. In consideration of the transfer the County has received \$250,000.

MOTION: Hudkins moved and Stevens seconded approval of a transfer of a warranty deed and assignment of rights in property legally described as Original Plat, Block 90, Lots 4 through 6, Lincoln, Lancaster County, Nebraska to B & J Partnership, Ltd. In consideration of the transfer the County has received \$250,000. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

M. Request from the Lancaster County Personnel Policy Board to create Personnel Rule 16.6 - Wage Adjustment and to amend Personnel Rule 17.6 - Rate of Pay as Result of Reallocation.

MOTION: Stevens moved and Workman seconded approval of a request from the Lancaster County Personnel Policy Board to create Personnel Rule 16.6 - Wage Adjustment and to amend Personnel Rule 17.6 - Rate of Pay as Result of Reallocation. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

N. Settlement of claim filed against Lancaster County by Ronald L. Miller in the amount of \$12,789.90.

MOTION: Hudkins moved and Stevens seconded approval of a settlement of claim filed against Lancaster County by Ronald L. Miller in the amount of \$12,789.90. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

O. A political subdivision tort claim filed against the Lancaster County Corrections Department by Jaclyn T. Lewis for lost property and money. The money is in the amount of \$11. The lost property is a sine on a leather thong, camera, cell phone and jewelry.

Jaclyn Lewis, claimant, appeared indicating the items were removed by Corrections' staff and should be returned or replaced.

MOTION: Stevens moved and Hudkins seconded to accept the Director's recommendation to deny the claim. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. County Clerk's Monthly Report for May, 2003.
2. Lancaster Manor's Monthly Report.

7) CONSENT ITEMS CONTINUED:

- B. A right-of-entry agreement relating to the Firth Viaduct Project between the Lancaster County Engineering Department and Terry L. Bouma (C-03-0292)

- C. Leasehold contracts relating to culvert construction between the Lancaster County Engineering Department and the following:
 - Leonard Ringland, in the amount of \$10, on South 110th Street south of Saltillo Road; Project C.P.R-261. (C-03-0293)
 - Dennis Egger, in the amount of \$10, on South 110th Street south of Martell Road; Project C.P.R-125. (C-03-0294)

- D. Right-of-way contracts relating to road construction between the Lancaster County Engineering Department and the following:
 - Pioneers Business Park, LLC, in the total amount of \$21,740, at 1st Street and Pioneers Boulevard; Project BR-5204(2). (2 contracts) (C-03-0295 and C-03-0296)
 - Parker-Hannifin Corporation, in the amount of \$4,195, on North 134th Street from "O" to Holdrege Streets; Project C55-J-406(4). (C-03-0297)
 - Donald L. and Sandra K. Ehlers, in the amount of \$233.75, on South 110th Street south of Saltillo Road; Project C.P.R-261. (C-03-0298)
 - Frank T. and Christy L. Coughlin, in the amount of \$83.08, on Little Salt Road east of North 27th Street; Project C.P.B-124. (C-03-0299)
 - Robert C. and Gertrude L. Stahly on South 110th Street south of Martell Road. This is a donation. (C-03-0300)
 - Jason L. Minchow on North 84th Street north of Davey Road; Project C.P.B-44. This is a donation. (C-03-0301)

MOTION: Stevens moved and Hudkins seconded approval of the Consent Items. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Hudkins moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:50 p.m. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 10, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:50 p.m..

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 3, 2003.

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on June 3, 2003. Hudkins, Workman, Stevens and Heier voted aye. Schorr abstained from voting. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 41 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Schorr moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **APPEAL FILED ON DENIAL OF A HOMESTEAD EXEMPTION:**

Appeal filed on the denial of a homestead exemption by Diane E. Rolfsmeyer on behalf of Ruth A. Napue.

Norm Agena, County Assessor/Register of Deeds, explained that the appeal was filed on a 2002 homestead exemption on April 30, 2003. The filing dates, he said, are between April 1st and June 30th of the year for which the exemption is being sought.

Agena stated the County Board may extend the filing date for anyone who misses the June 30th deadline of the current year. Statutorily there is no way for the County Board to go back and grant a homestead exemption for 2002.

Diane Rolfsmeyer, Conservator for Mrs. Napue, appeared and gave an overview of the appeal.

MOTION: Stevens moved and Hudkins seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the appeal filed on the denial of a homestead exemption by Diane E Rolfsmeyer on behalf of Ruth A. Napue. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Stevens moved and Schorr seconded adjournment of the Board of Equalization meeting at 3:03 p.m.. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk